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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1948

LIPE HENSLEE, Individually, Now Residing in Davidson County, Tennessee, Collector of Internal Revenue, District of Tennessee,
Petitioner,

vs.

UNION PLANTERS NATIONAL BANK & TRUST COMPANY, a National Bank at Memphis, Tennessee, and WILBURN K. NOELL, a Resident Citizen of Memphis, Tennessee, Executors of Estate of William Bate Williams,
Respondents.

No. 90

MOTION OF RESPONDENTS FOR LEAVE TO FILE PETITION TO REHEAR.

ROANE WARING,
SAM P. WALKER,
D. T. PAGE,
Attorneys for Respondents.

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Come your respondents and respectfully move the Court to be allowed to file their petition to rehear.

Respondents show that an opinion was handed down in this case on the 3rd day of January, 1949. Your re-

spondents' attorneys examined into the rules of the Court to ascertain the time within which a petition to rehear could be filed. Rule 33 of this Court provides that the petition may be filed within twenty-five days. Unfortunately respondents' attorneys did not have a copy of the amendments to Rule 33 and were not informed that the petition had to be filed within fifteen days.

Your respondents show that their petition to rehear was duly served on the Solicitor General of the United States and forty copies of the petition were forwarded to the Clerk of this Court, arriving on January 21, 1949. This was three days late and this motion is to correct this error and ask the Court to allow the petition to rehear to be duly filed and considered by the Court. The text books and rules of this Court which were available to counsel did not show this amendment and, therefore, the error occurred.

Respectfully submitted,

ROANE WARING,
SAM P. WALKER,
D. T. PAGE,
Attorneys for Respondents.

Sam P. Walker, one of the attorneys representing the respondents certifies that the facts stated in the above motion are true, and further that five copies of this motion have been duly forwarded to and served on the Solicitor General of the United States.

Sam P. Walker.